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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,122	11/13/2001	Frank Venegas JR.	IDS-13802/14	6422

25006 7590 10/09/2002

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EXAMINER

LE, TAN

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 10/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/054,122

Applicant(s)

VENEGAS, FRANK

Examiner

Tan Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 9, 10 and 17 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is the second office action for application serial number 10/054,122, Modular, collapsible Base for furniture, Particularly Conference Tables, and The Like, filed on 11/13/01. This application contains 17 claims numbered 1-17.
2. Applicant's election of the species of Figs. 1-7 and 8 in Paper #7 is acknowledged.
3. Currently claims 1-8 and 11-16 are readable on the elected species and an examination follows below. Upon the allowance of a generic claim, applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. If claims are added after the election, applicants must indicate which are readable upon the elected species. M.P.E.P. § 809.02(a).
4. Claims 9-10 and 17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,630,550 to Weitzman (See IDS)

Regarding claims 1-2 and 4, Weitzman discloses a knock-down frame work table comprising: a top portion (12) disposed in a generally horizontal plane, the top portion comprising a plurality of releasably interconnected horizontal members; a support portion (20, 22) for supporting the top portion, the support portion comprising a plurality of elongated members including leg members having lower ends for engaging the floor, wherein the horizontal and elongated members are straight and hollow metal tubes; and removable structure fittings (40) releasably interconnecting the top portion and the support portion so as to for a generally rigid table.

Regarding claims 5-7, Weitzman also discloses at least one of the fittings comprising a slip-in fitting having a base (30, 31, 40, 42) with a radiused surface matching the outer diameter of one of the tubes, the fitting further having an engagement member (32, 34, 44) extending from the base, the engagement member configured to engage the inner diameter of one of the tubes; and the base of the slip-in structural fitting having an outer diameter substantially the same as the outer diameter of the tube engaged by the engagement member.

Claims 1-2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,016,893 to Hart, Jr.

Regarding claims 1-2 and 4, Hart, Jr. discloses a collapsible support (Fig. 2) comprising: a top portion (14) disposed in a generally horizontal plane, the top portion

comprising a plurality of releasably interconnected horizontal members (15); a support portion (70, 71, 72) for supporting the top portion, the support portion comprising a plurality of elongated members including leg members having lower ends for engaging the floor, wherein the horizontal and elongated members are straight and hollow metal tubes; and removable structure fittings (50, 53, 54, 55, 56, 57, 58) releasably interconnecting the top portion and the support portion so as to for a generally rigid table.

Claim Rejections - 35 USC § 103

6 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weitzman in view of US Patent No. 5,941,183 to Ming-Shun or U.S Patent No. 3,886,710 to Krause et al. (See IDS).

Unlike Weitzman, Ming-Shun or Krause teaches the engagement member (52) having a pair of engagement fingers (52 to Ming_Shun), (52, 54 to Krause) shaped to fit into the inner diameter of the tube engaged by the engagement member.

It would have been obvious and well within the level of ordinary skill in the art to modify the slip-in fitting of Weitzman to include a slip-in fitting that has the engagement

member extending from the base wherein the engagement member comprises a pair of engagement fingers shaped to fit into the inner diameter of the tube, as taught by Ming-Shun or Krause since such fittings are conventional alternative fitting used in the same intended purpose, thereby providing structure fitting as claimed. The use of engagement fingers is also commercial available and to use such in the same intended purpose would also have been an obvious matter of design choice.

Claims 3 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weitzman or Hart, Jr. in view of US Patent No. 4,685,645 to Catteneo or U.S. Patent No. 5,812,358 to Kawai et al or U.S. Des. Patent No. 426,898 to Venegas, Jr. (IDS).

Regarding claims 3, 11 and 13-14, Wetzman or Hart, Jr. teaches all structure substantially as claimed as discussed above and further including four spaced apart vertical legs (20 to Weitzman), (82, 83, 84, 70, 71, 72 to Hart, Jr.), a plurality of spaced apart horizontal rails (16, 12 to Weitzman), (15, 16, 18, 19) including a first pair parallel spaced apart horizontal rails and a second pair of parallel spaced apart horizontal rails, and a brace (18 to Weitzmna), (96, 97, 98, 99 to Hart, Jr.) having first end interconnected with one leg and a second end interconnected with the other leg, the brace extending between two of the legs between the lower and upper ends thereof (See Fig. 1 of Weitzman and Fig. 2 of Hart, Jr.)

The only difference being that the sheathing is not surrounding the entire each of the tubular members including horizontal members and the elongated members to provide an aesthetic pleasing appearance.

Cattaneo or Kawai et al. or Venegas, Jr. teaches that it was well known to the art to have a replaceable sheathing surrounding the table legs or tubular members to provide an agreeable aesthetic or colorful appearance (1c, 16d to Kawai et al.), (12 to Cattaneo), (Fig. 1 to Venegas, Jr.).

It would have been obvious to one skilled in the art at the time the invention was made to modify tubular members of Weitzman et al. or Hart, Jr. to include surrounding sheathing as taught by Cattaneo or Kawai et al. or Venegas, Jr. since such sheathing are conventional alternative sheathing used in the same intended purpose, thereby providing structure tubular members with sheathing as claimed. The use of sheathing surrounding the tubular members or table legs for an aesthetic appearance is commonly well known and to use such in the same intended purpose would have also been considered an obvious matter of design choice.

Allowable Subject Matter

Claims 15 and 16 allowed

The following is a statement of reasons for the indication of allowable subject matter:

The reason for indication of allowable subject matter is the claimed recitation of a collapsible table base that has an extension portion having a horizontal member having ends interconnected with the left ends of the second pair of horizontal rails and a midpoint portion therebetween wherein the extension portion has a support member extending between the midportion of the first leg brace and the midportion of the

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horizontal member; and each of the rails having a front end and a rear end disposed outboard of the legs defining an outer perimeter of the table base and being disposed a generally horizontal plane, in combination with other elements recited, which is not found in the art.

Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4,960,277 to LaRossa et al.	5,676,062 to Lloyd
4,691,885 to Lawrance	4,714,224 to Calmes
4,037,861 to Medney	5,503,312 to Kassner
4,714,222 to Liesel et al.	


The above patents disclose various types of collapsible table bases

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tan Le, whose telephone number is (703) 305-8244. The Examiner can normally be reached on Tuesday through Friday and on alternate Monday from 8:00 A.M. to 5:30 P.M. The fax numbers for the Group are (703) 305-3597 or (703) 305-7687 (for formal communication), and (703) 308-3519 (for informal communication).

Any inquiry of a general nature or relating to the status of this Application should be directed to the Group receptionist at 703.308.2168.


TAN LE
PATENT EXAMINER

AU 3632
September 26, 2002


LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER